

Remarks

Applicants express appreciation to Examiner Nguyen for conducting a telephonic interview of the case on February 13, 2009 in which suitable claim amendments were discussed.

The final Office Action mailed December 19, 2008 has been received and reviewed. Claims 1, 16, 76, 81, 96 and 107 have been amended. Claims 7, 19, 22-38, 94 and 95 have been previously cancelled. Claims 39-75 have been previously withdrawn. Claims 1-6, 8-18, 20-21, 76-93, and 96-116 are pending in this case.

Claim 76 stands objected to because of informalities. Claims 76-93 and 107-116 stand rejected under 35 U.S.C. Section 101 because the claimed invention is directed to non-statutory subject matter. Claims 76-93 and 96-116 stand rejected under 35 U.S.C. Section 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 96-100, 102-109, and 11-116 stand rejected under 35 U.S.C. Section 102(b) as being anticipated by Szlam (US 5,511,112). Claims 1-4, 8-18, 20, 21, 76-80 and 83-93 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam in view of Nakatsu et al. Claims 5 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam in view of Nakatsu et al. further in view of Rogers et al. Claims 6 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam in view of Nakatsu et al. further in view of Rogers further in view of Miner et al. Claim 81 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Szlam in view of Nakatsu et al. further in view of Miner et al. Claims 101 and 110 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Szlam in view of Miner et al.

For the reasons set forth below, and in light of the claims as amended, Claims 1-6, 8-18, 20-21, 76-93, and 96-116 are believed to be in condition for allowance. Applicant respectfully requests favorable reconsideration of the application in view of the following remarks.

Claims Objections

Applicant has amended claim 76 to address the informality.

Section 101 Rejection

Claims 76 and 107 have been amended such that the computer readable medium comprises instructions to cause a computer to perform the functions of the claim.

Section 112 Rejection

Claims 76, 96, and 107 have been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Section 102 Rejection

Claims 1, 76, 96, and 107 have been amended to include the limitation of allowing an agent to selectively interleave live responses and recorded scripts during the call, the recorded scripts comprising recorded scripted responses and recorded interjection responses, and wherein the recorded scripted responses are selected from a script menu by the agent and wherein the recorded interjection responses are selected from an interjection menu by the agent. As discussed in the interview, none of the prior art teaches these limitations and Applicant respectfully requests the Section 102 rejection be withdrawn.

Section 103 Rejection

As examiner is aware, 35 U.S.C. §103 authorizes a rejection where, to meet the claim, it is necessary to modify a single reference or to combine it with one or more other references. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. As discussed above, the cited references do not teach or suggest all the claim limitations as amended.

Conclusion

For the reasons stated above, Applicants submit that this application is in condition for allowance and respectfully requests the same.

DATED this 17th day of February, 2009.

Respectfully submitted,



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